

CUSTOMER NO.: 24498
Serial No.: 10/528,597
Notice of Appeal dated: 02/13/09
Appeal Brief dated: 04/08/09

PATENT
PF020121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before The Board Of Patent Appeals and Interferences

In re Application of: Olivier Trincherro	§	
et al.	§	
Serial No.: 10/528, 597	§	Group Art Unit: 2612
	§	
Confirmation No.: 8256	§	Examiner: Yong Hang Jiang
	§	
Filed: March 21, 2005	§	
	§	
For: Method for Controlling Several	§	
Apparatuses with the Aid of a Link	§	
Attached Device and Said Link	§	
Attached Device for Carrying Out Said	§	
Method	§	

CERTIFICATE OF TRANSMISSION

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April 8, 2009
Date

/Kathleen Lyles/
Kathleen Lyles

APPEAL BRIEF

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May It Please The Honorable Board:

Appellants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2612 dated August 20, 2008, finally rejecting claims 1-18.

Please charge the \$540 fee for the filing of the Appeal Brief, and any other fees that may be due, to Deposit Account No. 07-0832.

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Real Party In Interest

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Related Appeals and Interferences

Appellants assert that no other appeals or interferences are known to the Appellants, the Appellants' legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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Status of Claims

Claims 1-18 were presented with the originally filed Application. The Appellants' claims 1-2, 4-8, 10-14 and 16-18 were amended in a Response dated December 06, 2007 in response to an Office Action dated September 06, 2007. All other claims were unamended.

The Appellants' claims 1, 8, 12 and 16 were amended in a Response dated May 28, 2008 in response to an Office Action dated March 04, 2008. All other claims were unamended.

The Appellants' claim 11 was amended to correct for a formal error pointed out by the Examiner in a Response dated December 31, 2008 in response to a Final Office Action dated August 20, 2008. All other claims were unamended.

In the Appellants' application, the Appellants' claims 1-2, 5-9, 13-14 and 16 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans et al. (U.S. Patent No. 4,825,200, hereinafter "Evans") and further in view of Pessina et al. (U.S. Patent No. 6,992,612, hereinafter "Pessina"). In addition, the Appellants' claims 3 and 10 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over as being unpatentable over Evans in view of Pessina and further in view of Nakajima (U.S. Patent No. 5,949,151). In addition, the Appellants' claims 4 and 11-12 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Pessina and further in view of Stacy et al. (U.S. Patent No. 6,127,961, hereinafter "Stacy"). In addition, the Appellants' claim 15 stands finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Pessina and further in view of Allport (U.S. Patent No. 6,104,334). Finally, the Appellants' claims 17-18 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Pessina and further in view of Guyer (U.S. Patent No. 6,130,624).

The claims on appeal are the Appellants' claims 1-18 as first presented in the Response dated December 31, 2008. That is, the claims on appeal are the Appellants' claims 1-18, which are listed in the attached Claims Appendix.

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Status of Amendments

A Preliminary Amended was filed with the original Application on March 21 2005 amending the Appellants' claims 1-18 to correct formal errors.

A first Response was filed on December 06, 2007 to attempt to overcome a First Office Action dated September 06, 2007. In the First Office Action, the Examiner rejected the Appellants' claims 1-18 under 35 U.S.C. § 112. The Examiner further rejected the Appellant's claims 1 and 7 under 35 U.S.C. § 102(e) as being anticipated by Griesau et al. (US 2004/0075602, hereinafter "Griesau"). In addition, the Examiner rejected the Appellants' claims 8, 11-12 and 17 under 35 U.S.C. § 102(b) as being anticipated by Stacy et al. (US Patent No. 6,127,961, hereinafter "Stacy"). In addition, the Examiner rejected the Appellants' claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Griesau and further in view of Stacy. In the response filed on December 06, 2007, the Appellants amended claims 1-2, 4-8, 10-14 and 16-18 and set forth arguments traversing the rejections issued by the Examiner and distinguishing the Appellant's invention over the cited prior art.

The Examiner responded to the Appellants' response of December 06, 2007 with an Office Action dated March 04, 2008. In the Office Action, the Examiner rejected the Appellants' claims 12 and 16 under 35 U.S.C. § 112. The Examiner further rejected the Appellant's claims 1-2, 5-9 and 13-16 under 35 U.S.C. § 102(b) as being anticipated by the owner's manual for the 8-IN-1 Universal Remote Control (1990 Tandy Corporation, hereinafter "Remote Manual"). In addition, the Examiner rejected the Appellants' claims 4 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Remote Manual and further in view of Stacy. In addition, the Examiner rejected the Appellants' claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Remote Manual and further in view of Nakajima (US Patent No. 5,949,151). In addition, the Examiner rejected the Appellants' claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Remote Manual and further in view of Guyer (US Patent No. 6,130,624).

In response to the Final Office Action dated October 30, 2008, the Appellants submitted a Response dated May 28, 2008. In the Response dated May 28, 2008, the Appellants amended claims 1, 8, 12 and 16 and set forth arguments traversing

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the rejections issued by the Examiner and distinguishing the Appellant's invention over the cited prior art.

The Examiner responded to the Appellants' response of May 28, 2008 with a Final Office Action dated August 20, 2008. In the Final Office Action, the Examiner finally rejected the Appellants' claims 1-2, 5-9, 13-14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Evans et al. (U.S. Patent No. 4,825,200, hereinafter, "Evans") and further in view of Pessina et al. (US Patent No. 6,992,612, hereinafter, "Pessina"). In addition, the Examiner finally rejected the Appellants' claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Pessina and further in view of Nakajima. In addition, the Examiner finally rejected the Appellants' claims 4 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Pessina and further in view of Stacy. In addition, the Examiner finally rejected the Appellants' claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Pessina and further in view of Allport (U.S. Patent No. 6,104,334). Finally, the Examiner finally rejected the Appellants' claims 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Pessina and further in view of Guyer (U.S. Patent No. 6,130,624).

In response to the Final Office Action dated August 20, 2008, the Appellants submitted a Response to Final dated December 31, 2008. In the Response dated December 31, 2008, the Appellants amended claim 11 to correct for formal errors pointed out by the Examiner and set forth arguments traversing the rejections issued by the Examiner and distinguishing the Appellant's invention over the cited prior art.

The Examiner responded to the Appellants' response of December 31, 2008 with an Advisory Action dated January 23, 2009. In the Advisory Action, the Examiner indicated that the Appellants' Response of December 31, 2008 was entered but maintained the rejections of the Final Office Action dated August 20, 2008.

In response to the Advisory Action dated January 23, 2009, the Appellants submitted a Notice of Appeal dated February 13, 2009.

Summary of Claimed Subject Matter

Embodiments of the Appellants' invention provide a method of control of at least one electronic appliance with the aid of a distant device such as a remote control comprising means of controlling and a means of selection of an appliance from amongst several. In one embodiment the method includes programming at least two associations between at least two means of control and at least two appliances of the plurality of appliances, activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming, activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, the activating in the second mode being triggered by inputting a command on the means of selection, and re-activating the device in a first mode by inputting a new command on the means of selection.

In accordance with the Appellants' invention, a user programs as many associations as desired between commands corresponding to keys of his control device and the various appliances. Then, when the user activates the associations by placing the device in a special mode, the user can issue commands to various appliances by merely pressing the key corresponding to the desired command without having beforehand to modify the switch for selecting appliances so as to set it to the target appliance. Outside of this particular mode, the great majority of the keys control a single determined appliance.

According to an alternate embodiment, the method includes a step of commanding associations during the programming step and displaying a visual identifier of the appliance selected, when the device is in the second mode and when the user enters a command by activating the key associated with this appliance. The visual identifier reminds the user of which appliance the command is intended for.

According to an alternate embodiment, the device of the Appellants' invention uses several sets of associations, each set being identifiable by a code. For example, a set of associations is tied to a user in particular. This user enters his code and when the device is in the second mode, the associations between the keys

and the appliances are those that this user had previously programmed. The sets can also be associated with particular rooms of the residence, or else with a certain favored type of appliance. In addition, the programming of the associations for a determined appliance can be performed by firstly specifying the appliance and then indicating all the keys associated with this appliance one after the other. In this way, in a single go the user enters all the associations for an appliance before passing to another appliance, this being practical in particular when a new appliance is added to the others. A variant consists in doing the reverse: firstly the user chooses a key to be programmed, then he successively selects the appliances that he wishes to associate with this key and which it will thereafter be possible to control with the latter.

The Appellants' invention also relates to a device for the remote control of a plurality of electronic appliances, including a means of control and a means of selection of an appliance from among the plurality, each means of control being associated with a code predefined in the device. In one embodiment of the Appellants' invention, the device includes a means of programming at least two associations between at least two means of control and at least two appliances amongst the plurality of appliances, a means of activation of the device in a first mode wherein the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed by the means of programming, the activating of the device in the first mode being triggered by inputting a command on the means of selection, a means of activation of the device in a second mode wherein the programmed associations are activated and wherein at least two appliances are continuously controlled by the means of control according to the associations performed by the programming means, the activating of the device in a second mode being triggered by inputting a command on the means of selection.

According to an embodiment of the Appellants' invention, the means of activation uses a particular position of the selector that it is easy for the user to tag. In this way, the device no longer controls the selected appliance visibly but is in a state where all the associations are activated. In addition, the device can include a means of selection of a key and a means of selection of several appliances, so that the key selected can control several appliances at one and the same time.

Conversely and according to an alternate embodiment, the device comprises a means of selection of an appliance and a means of selection of several keys at one and the same time, so that during programming, the user need not select the same appliance each time when he creates the associations relevant thereto.

In yet an alternate embodiment of the Appellants' invention, the device includes a means of command of the programming of the associations, certain associations being prohibited. In this way, the device indicates during programming whether the association is or is not possible, thereby avoiding surprises during the activation and the use of the associations. In addition, the device can include a touch screen, whereon are displayed the various keys permitted to be associated with a previously selected appliance.

Even further, in an alternate embodiment, the control device can include a means of display for identifying the appliance or appliances of the plurality which is/are associated with the key currently activated when the device is in a second mode. Advantageously, the visual identifier is integrated into the means of selection. In addition, the means of selection consists of a switch having as many positions as appliances to be commanded plus a position activating the programmed associations.

As suggested in MPEP 1206, the Appellants now read at least two of the broadest appealed claims on the specification and on the drawings. It should be understood, however, that the appealed claims may read on other portions of the specification or other figures that are not listed below.

The Appellants' Specification specifically refers to Figure 1 for depicting a the main elements of an appliance control module according to an exemplary embodiment of the Appellants' invention, illustratively a remote control. In Figure 1, the remote control 1 is furnished: with a central unit 2 embodied for example in the form of a microprocessor, controlling the other elements: a memory 3 containing the executable program and data, advantageously, the memory 3 may be integrated into the microprocessor 1, a communication interface 4 for the shaping (modulation, amplification, etc.) of the signals transmitted by the remote control destined for the various appliances. The interface is connected to an infrared signals transmitter 5. Advantageously, the interface 4 can also be integrated into the microprocessor. The

integration of the memory 3 and of the interface 4 is possible using a microcontroller as central unit 1.

The remote control of Figure 1 is furnished with a keypad 6 which comprises a collection of keys electrically linking columns and rows (not represented) to the central unit 2, the executable program of the memory 3 comprises a module for decoding the rows and columns making it possible to determine the code of the key depressed on the keypad 6. According to the present exemplary embodiment, the keypad 6 comprises in particular the "CONFIGURATION" key and other keys such as: "SOUND+", "SOUND-", "PLAY", "MUTE", etc. The remote control is powered by a battery 7 supplying the energy for operation; a contact-less type power supply via photo-voltaic cells for example is also possible. The remote control is furnished with a selector 8 comprising several positions, this selector allowing the user to choose between several appliances such as a television receiver, a video recorder, an amplifier, etc. A position of this selector activates the "MULTI" mode which makes it possible to control several appliances at one and the same time.

The Appellants refer to Figure 2 for depicting that the selector 8 for choosing the various appliances and activating the "MULTI" mode is represented by a collection of keys. The Appellant teaches that in an exemplary embodiment, when the selector is set to the "MULTI" position, Figure 2 shows examples of associations between commands activated by keys and specific appliances: the "SOUND+" and "SOUND-" command buttons are associated with the audio amplifier, the "program+" and "program-" buttons and the numerical pad are associated with the decoder, and the "PLAY", "PAUSE", "FAST FORWARD", "FAST REWIND", "STOP" buttons are associated with the DVD reader. In the example of Figure 2, the navigation buttons are not associated with any appliance and therefore have no effect in the MULTI position.

The Appellants refer to Figure 3 for teaching a flowchart representing an exemplary method for the implementation of an exemplary embodiment of the invention. The Appellants teach that initially, in step 3.1, the selector 8 is positioned to any appliance whatsoever, this allowing the remote control 1 to command it preferentially, that is to say the majority of the keys command this appliance. In step 3.2, the user presses the "CONFIGURATION" key thereby activating the execution of a special module of the executable program contained in the memory 3. In the

course of step 3.2, the user programs the associations between commands and appliances. In the course of this step, the remote control does not transmit any infrared signals. Then in step 3.3, the user exits the configuration step by pressing the "CONFIGURATION" key a second time, the remote control can once again command the appliance determined by the position of the selector 8, as in step 3.1. In step 3.4, the user positions the selector 8 to "MULTI" mode. Following this action, the remote control is in a mode where all the associations programmed during step 3.2 are activated. Next (in step 3.5), when the user again wishes to control any one appliance by deploying all the functions available on the remote control 1, he changes the active position of the selector 8 and, positions it to this appliance, the behavior of the remote control is the same as in step 3.1.

The Appellants teach that the switch to configuration mode can be performed in various ways. The Appellants teach that in one embodiment a button activates the mode upon the first press and deactivates it upon the second press. In an alternate embodiment, the method consists in the remote control being in configuration mode as long as the "CONFIGURATION" button is depressed. The user presses a control key, thereby creating the association between this command and the appliance corresponding to the current position of the selector 8. In this way, inadvertent pressing of the "CONFIGURATION" button does not run the risk of creating a new association accidentally. Another variant consists in prolonged pressing (at least five seconds) of a control key allowing an association between the command corresponding to the key depressed and the appliance corresponding to the current position of the selector 8. Such an embodiment avoids the installation of a CONFIGURATION key on the remote control.

The Appellants refer to Figure 4 for teaching a flowchart of the operations to be performed in the course of step 3.2 of configuring the associations. The Appellant teaches that in step 3.2.1, the user presses the "CONFIGURATION" key. Then in step 3.2.2, the user selects an appliance by positioning the selector 8. Next, in step 3.2.3, the user chooses a command by pressing the corresponding key, a "SOUND+" function key for example. Consequently, upon these two operations, in step 3.2.4, the executable program associates the selected appliance with the command corresponding to the key depressed. The Appellants teach that in one embodiment of the invention, the associations are recorded in a nonvolatile part (of

EEPROM type for example) of the memory 3 in the form of a table called, for example, a "table of associations".

The Appellants teach that in one embodiment, such a table performs the association of the codes in hexadecimal of keys and appliances. For example, the code of the television receiver can be "01", that of the DVD reader is "02" and that of the amplifier is "03". The data of the table define that in MULTI mode the "Off", "On", "Program+" and "Program-" commands control the television receiver, the "PLAY" command controls the DVD reader and the "SOUND+" and "SOUND-" commands control the amplifier.

If in step 3.2.5, the user presses the "CONFIGURATION" key a second time the remote control exits the configuration mode while freezing the table 1 of associations. If the user activates the selector 8, either by pressing a pushbutton if the selector consists of pushbuttons, or by changing the position of the switch if the selector is embodied on the basis of such an element, the program loops to step 3.2.2 again and the user can perform another association. The Appellants teach that in an alternate embodiment, steps 3.2.2 and 3.2.3 can be reversed and the user can thus first choose a key before associating it with an appliance.

For the convenience of the Board of Patent Appeals and Interferences, the Appellants' pending claims are presented below in claim format with elements read on the appropriate citations to at least one portion of the specification for each element of the appealed claims.

Claim 1 positively recites:

"1. A method (Figure 3) of control of at least two electronic appliances with the aid of a remote device comprising means of control and a means of selection of an appliance from a plurality of appliances, wherein the method comprises the steps:

- programming (3.2) at least two associations between at least two means of control and at least two appliances of said plurality of appliances,
- activating (3.3) the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming,
- activating (3.4) the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in

the second mode being triggered by inputting a command on the means of selection, and
- re-activating (3.5) the device in a first mode by inputting a new command on the means of selection.” (See Appellants’ specification, page 8, line 6 through page 9, line 2).

Claim 2 positively recites:

“2. The method of control as claimed in claim 1, wherein the method comprises a step of commanding associations during the programming step prohibiting the programming of prohibited associations.” (See Appellants’ specification, page 10, line through page 11, line 12).

Claim 3 positively recites:

“3. The method of control as claimed in claim 2, wherein an attempt to program a prohibited association triggers the transmission of an alert signal.” (See Appellants’ specification, page 10, line 27 through page 11, line 1).

Claim 4 positively recites:

“4. The method of control as claimed in claim 1, wherein the method comprises a step of displaying a visual identifier of an appliance, the visual identifier of an appliance being displayed when the device is in the second mode and when a user activates a means of control associated with the appliance.” (See Appellants’ specification, page 4, lines 26-29 and page 12, lines 26-35).

Claim 5 positively recites:

“5. The method of control as claimed in claim 1, wherein the programming step comprises selecting an appliance and selecting several means of control, the means of control being associated with the selected appliance.” (See Appellants’ specification, page 10, lines 14-22).

Claim 6 positively recites:

“6. The method of control as claimed in claim 1, wherein the programming step comprises selecting a means of control and selecting several appliances the selected appliances being associated with the means of control.” (See Appellants’ specification, page 10, lines 23-31).

Claim 7 positively recites:

“7. The method of control as claimed in claim 1, wherein the programming step makes it possible to define at least one set of associations, and wherein the method comprises a step of selecting a set of associations making it possible to activate the set when the device is in the second mode.” (See Appellants’ specification, page 11, lines 25-33).

Claim 8 positively recites:

“8. A device (1) for remote control of at least two electronic appliances, comprising means of control and a means of selection of an appliance from a plurality of electronic appliances, each means of control being associated with a code predefined in the device,
wherein said device comprises:
- a means (2) of programming at least two associations between at least two means of control and at least two appliances amongst the plurality of appliances,
- a means (8) of activation of the device in a first mode wherein the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed by the means of programming, the activating of the device in the first mode being triggered by inputting a command on the means of selection,
- a means (8) of activation of the device in a second mode wherein the programmed associations are activated and wherein at least two appliances are continuously controlled by the means of control according to the associations performed by the programming means, the activating of the device in a second mode being triggered by inputting a command on the means of selection. (See Appellants’ specification, page 6, line 28 through page 8, line 15)

Claim 9 positively recites:

“9. The control device as claimed in claim 8, wherein the means of programming comprises a means of commanding the associations prohibiting the programming of prohibited associations.” (See Appellants’ specification, page 10, line through page 11, line 12).

Claim 10 positively recites:

“10. The control device as claimed in claim 9, wherein the control device comprises a means of transmitting a visual or audible alert signal during an attempt to program a prohibited association.” (See Appellants’ specification, page 10, line 27 through page 11, line 15).

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Claim 11 positively recites:

“11. The control device as claimed in claim 8, wherein the control device comprises a means of display of an identifier of the appliance, said means of display of an identifier of the appliance being activated when a means of control associated with the appliance is activated.” (See Appellants’ specification, page 6, lines 1-5 and page 7, lines 23-26).

Claim 12 positively recites:

“12. The control device as claimed in claim 8, wherein the control device comprises a means of display of an identifier of the appliance, the means of display being integrated into the means of selection of an appliance.” (See Appellants’ specification, page 6, lines 1-5 and page 7, lines 23-26).

Claim 13 positively recites:

“13. The control device as claimed in claim 8, wherein the means of programming selects at least one appliance from the plurality of appliances and then specifies keys of the control means that are associated with the selected appliance.” (See Appellants’ specification, page 10, lines 14-22).

Claim 14 positively recites:

“14. The control device as claimed in claim 8, wherein the programming means selects a key of the means of control to be programmed and then selects appliances to be associated with the selected key.” (See Appellants’ specification, page 10, lines 23-31).

Claim 15 positively recites:

“15. The control device as claimed in claim 9, wherein the control device comprises a touch screen displaying the permitted associations.” (See Appellants’ specification, page 5, lines 33-37 and page 11, lines 17-24).

Claim 16 positively recites:

“16. The control device as claimed in claim 8, wherein the control device comprises a means of selection of at least one set of associations, the programming means being adapted to program the set of associations selected by said means of selection, and in that the means of activation activates only the associations of the selected set.” (See Appellants’ specification, page 11, lines 25-33).

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Claim 17 positively recites:

“17. The control device as claimed in claim 8, wherein the means of selection of an appliance comprises a switch including as many positions as appliances to be commanded plus a position activating the programmed associations.” (See Appellants’ specification, page 6, lines 7-9).

Claim 18 positively recites:

“18. The control device as claimed in claim 17, wherein the means of selection of a set of associations comprises a switch including as many positions as sets, the means of selecting sets being activated when the means of selection of an appliance is in the position activating the associations.” (See Appellants’ specification, page 7, lines 12-26).

Grounds of Rejections to be Reviewed on Appeal

1. Whether the Appellants' claims 1-2, 5-9, 13-14 and 16 are patentable under 35 U.S.C. § 103(a) over Evans et al. (U.S. Patent No. 4,825,200, hereinafter, "Evans") and further in view of Pessina et al. (U.S. Patent No. 6,992,612, hereinafter, "Pessina").
2. Whether the Appellants' claims 3 and 10 are patentable under 35 U.S.C. § 103(a) over Evans in view of Pessina and further in view of Nakajima (U.S. Patent No. 5,949,151).
3. Whether the Appellants' claims 4, 11 and 12 are patentable under 35 U.S.C. § 103(a) over Evans in view of Pessina and further in view of Stacy et al. (U.S. Patent No. 6,127,961, hereinafter, "Stacy").
4. Whether the Appellants' claim 15 is patentable under 35 U.S.C. § 103(a) over Evans in view of Pessina and further in view of Allport (U.S. Patent No. 6,104,334).
5. Whether the Appellants' claims 17 and 18 are patentable under 35 U.S.C. § 103(a) over Evans in view of Pessina and further in view of Guyer (U.S. Patent No. 6,130,624).
6. Pending claims 1-2, 5-9, 13-14 and 16, and 3 and 10, and 4, 11 and 12, and 13 and 16, and 17 and 18 have been respectively grouped together by the Examiner in their rejection. The Appellants urge that each of the rejected claims stands on its own recitation, the claims being considered to be separately patentable for the reasons set forth in more detail *infra*.

ARGUMENT

I. THE EXAMINER ERRED IN REJECTING CLAIMS 1-2, 5-9, 13-14 AND 16 UNDER 35 U.S.C. § 103 AT LEAST BECAUSE THE CITED REFERENCES FAIL TO MAKE OBVIOUS AT LEAST A METHOD AND APPARATUS FOR CONTROL OF AT LEAST TWO ELECTRONIC APPLIANCES INCLUDING AT LEAST “PROGRAMMING AT LEAST TWO ASSOCIATIONS BETWEEN AT LEAST TWO MEANS OF CONTROL AND AT LEAST TWO APPLIANCES OF SAID PLURALITY OF APPLIANCES”, “ACTIVATING THE DEVICE IN A FIRST MODE WHERE THE APPLIANCE SELECTED BY THE MEANS OF SELECTION IS CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO ASSOCIATIONS THAT ARE NOT PROGRAMMED DURING THE STEP OF PROGRAMMING” AND “ACTIVATING THE DEVICE IN A SECOND MODE WHEREIN AT LEAST TWO APPLIANCES ARE CONTINUOUSLY CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO THE ASSOCIATIONS PERFORMED DURING THE PROGRAMMING STEP, SAID ACTIVATING IN THE SECOND MODE BEING TRIGGERED BY INPUTTING A COMMAND ON THE MEANS OF SELECTION”.

A. 35 U.S.C. § 103(a) - Claim 1

The Examiner rejected the Appellants’ claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Evens et al. (US 4,825,200, hereinafter “Evens”) and further in view of Pessina et al. (US 6,992,612, hereinafter “Pessina”). The rejection is respectfully traversed.

The Appellants submit that Evans discloses a reconfigurable remote control transmitter that can be used with a plurality of remotely controlled products, each of which is normally controlled with one or more signals from an associated remote control transmitter. The reconfigurable transmitter has a plurality of input keys and operates either in a Learn mode in which it may store indications of signals generated by the remote control transmitter from one or more of the products or a Run mode in which it selectively transmits stored signals in response to one or more keyed inputs (see the abstract). The Learn mode consists in putting face to face another remote control that sends IR codes (see Evans, column 6 line 33). The reconfigurable remote control disclosed by Evans receives the IR code and stores it in the memory 112. That is, Evans specifically recites:

“All of the codes from a given source controller may be stored in a single learning session. When all of the codes for a given controller have been stored, the run/learn switch 40 is returned to the run position. Then, when a

key is pressed, the IR code associated with this key is sent.” (see Evans, column 6, line 65-68)

In Evans, the paragraph beginning on column 11, line 47 discloses the run mode (i.e. “Normal use”). Evans teaches that “Once controller 10 has been programmed, it may be utilized to control any one of the devices which it has been programmed to control or may, by use of a program key, be utilized to simultaneously control two or more of the devices. To use the controller, Run/Learn switch 40 is set to the run position”. Therefore, if the controller 10 has not been programmed, it does not work since its memory has not stored any IR code received from another controller. That is, Evans specifically recites:

“If the batteries go completely dead before being replaced, or if the batteries are removed and are not replaced within the interval when the capacitor will maintain RAM 112, the stored codes will be lost and it will be necessary to reprogram the controller in the manner previously discussed before it can be used again.” (See Evans, column 12 lines 51 to 56).

As clear from at least the portion of Evans presented above, the remote control disclosed by Evans contains only associations that are programmed during a programming step.

In contrast, in the invention of the Appellants as taught and claimed, the remote device runs according to two modes. In the first mode, the means of control of the remote device controls the appliance selected by the means of selection. In this mode, the associations between a key and an appliance are not programmable by the step of programming. Therefore, Evans does not teach the first mode of the Appellants’ claimed invention.

In a second mode as taught and claimed by the Appellants, the means of control of the remote device controls several appliances according to the associations made during the programming step. The Examiner writes in lines 3 to 5 of page 4 of the Office Action: “Evans fails to disclose a special mode for operating different appliances at the same time; wherein the reconfigurable keys are configured to operate different appliances without the use of the mode selection switch to select individual appliances”. Therefore, as conceded by the Examiner, the

second mode of the invention as taught and claimed by the Appellants is also not disclosed by Evans.

The Appellants further submit that the teachings of Pessina absolutely fail to bridge the substantial gap between the teachings of Evans and the invention of the Appellants. That is, the Appellants submit that Pessina discloses an infrared hand-held remote control for handling a single or plurality devices. By referring to figure 7A of Pessina, it is clear that in the invention of Pessina the control buttons are specifically configured to control specific devices : button 60a : SHADE 1, button 60b : SHADE 2, button 62a : WINDOW 1, button 62b : WINDOW 2. The appliances are grouped according to the same type. The group of buttons providing for the control of different appliances or devices of the same type, is identified by easy to comprehend icon or alphabetic representations. Pessina teaches that the position or the shape of the buttons, or the position and the form of the corresponding icon are defined during the manufacturing of the remote control. Therefore, in the invention of Pessina the keys are not reconfigurable. That is, in the invention of Pessina it is not possible to change the appliance that is associated with a button. This is clear by the teachings of Pessina, which specifically recite:

“These buttons 51a, 51b allow an operator to select which window drapes are selected to be controlled by the remote control.” (See Pessina, column 4 lines 59 to 61).

Therefore, the Appellants submit that Pessina does not teach that the buttons allowing the remote control of several appliances are used by “*programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances*” as taught in the Appellants’ Specification and claimed by at least the Appellants’ independent claim 1.

The Appellants submit that, because the programming step of the Appellants’ invention is not taught or suggested by Pessina, the Appellants’ claimed steps of:

- activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming,
- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations

performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection,

are not taught or suggested by Pessina. The Appellants further disagree with the Examiner's assertion that Pessina teaches "a special mode of remotely controlling multiple appliances continuously at the same time using a single remote control". That is, the Appellants submit that Pessina teaches a single mode, i.e. a classic mode. Pessina, however, does not teach nor suggest another mode where the buttons do not have the same function or application as taught and claimed by the Appellants.

That is, in the Appellants' claimed invention, in the first mode, the remote device is dedicated to an appliance, this appliance being selected amongst a plurality of appliances with a means of selection. In the second mode, the associations defined in the programming steps are activated. The Appellants submit that if the skilled person in the art were to combine the teachings of Evans and Pessina, all of the buttons of the remote control of Evans and the added buttons of the remote control of Pessina, would be function for controlling only a specific appliance programmed for that button. Therefore, the combination of Evans and Pessina produce a remote with numerous buttons but only one running mode in which each button is preprogrammed to control only a single appliance. The skilled person is not incited to use in the same remote the two modes such as claimed by the Appellants. Therefore the Appellants submit that the steps of

- activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming,

- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection,

as taught in the Appellants' Specification and claimed by at least the Appellants' independent claim 1 are not taught or suggested by Evans and Pessina, alone or in any allowable combination. Even if the systems of Evans and Pessina could be combined, as suggested by the Office Action, the combined system would not make the present claimed arrangement unpatentable.

Therefore, the Appellants submit that for at least the reasons recited above, the Appellants' claim 1 is not rendered obvious by the teachings of Evans and Pessina, alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

B. 35 U.S.C. § 103(a) - Claim 2

Claim 2 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious the invention of the Appellants with regard to at least the Appellants' independent claim 1, the Appellants respectfully submit that dependent claim 2 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellants further submit that the teachings of Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' claim 1 further limited by, "wherein the method comprises a step of commanding associations during the programming step prohibiting the programming of prohibited associations", as recited in claim 2.

That is, and for at least the same reasons provided in Section A above, at least because Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious at least a method and apparatus for control of at least two electronic appliances including at least "programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances", "activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming" and "activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection", as taught in the Appellants' Specification and as claimed by at least the Appellants' claim 1, the Appellants respectfully submit that Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' invention as claimed in dependent claim 2, which depends directly from independent claim 1.

Therefore, the Appellants submit that claim 2, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

C. 35 U.S.C. § 103(a) - Claim 5

Claim 5 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious the invention of the Appellants with regard to at least the Appellants' independent claim 1, the Appellants respectfully submit that dependent claim 5 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellants further submit that the teachings of Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' claim 1 further limited by, "wherein the programming step comprises selecting an appliance and selecting several means of control, the means of control being associated with the selected appliance", as recited in claim 5.

That is, and for at least the same reasons provided in Section A above, at least because Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious at least a method and apparatus for control of at least two electronic appliances including at least "programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances", "activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming" and "activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection" as taught in the Appellants' Specification and as claimed by at least the Appellants' claim 1, the Appellants respectfully submit that Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' invention as claimed in dependent claim 5, which depends directly from independent claim 1.

Therefore, the Appellants submit that claim 5, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

D. 35 U.S.C. § 103(a) - Claim 6

Claim 6 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious the invention of the Appellants with regard to at least the Appellants' independent claim 1, the Appellants respectfully submit that dependent claim 6 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellants further submit that the teachings of Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' claim 1 further limited by, "wherein the programming step comprises selecting a means of control and selecting several appliances the selected appliances being associated with the means of control", as recited in claim 6.

That is, and for at least the same reasons provided in Section A above, at least because Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious at least a method and apparatus for control of at least two electronic appliances including at least "programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances", "activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming" and "activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection" as taught in the Appellants' Specification and as claimed by at least the Appellants' claim 1, the Appellants respectfully submit that Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' invention as claimed in dependent claim 6, which depends directly from independent claim 1.

Therefore, the Appellants submit that claim 6, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

E. 35 U.S.C. § 103(a) - Claim 7

Claim 7 depends directly from independent claim 1 and recites further technical features thereof. At least because the teachings of Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious the invention of the Appellants with regard to at least the Appellants' independent claim 1, the Appellants respectfully submit that dependent claim 7 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 1. The Appellants further submit that the teachings of Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' claim 1 further limited by, "wherein the programming step makes it possible to define at least one set of associations, and wherein the method comprises a step of selecting a set of associations making it possible to activate the set when the device is in the second mode", as recited in claim 7.

That is, and for at least the same reasons provided in Section A above, at least because Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious at least a method and apparatus for control of at least two electronic appliances including at least "programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances", "activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming" and "activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection" as taught in the Appellants' Specification and as claimed by at least the Appellants' claim 1, the Appellants respectfully submit that Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' invention as claimed in dependent claim 7, which depends directly from independent claim 1.

Therefore, the Appellants submit that claim 7, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

F. 35 U.S.C. § 103(a) - Claim 8

Claim 8 is an independent claim that claims similar relevant features as independent claim 1. More specifically, independent claim 8 claims a device for remote control of at least two electronic appliances including “a means of programming at least two associations between at least two means of control and at least two appliances amongst the plurality of appliances”, “a means of activation of the device in a first mode wherein the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed by the means of programming, the activating of the device in the first mode being triggered by inputting a command on the means of selection” and “a means of activation of the device in a second mode wherein the programmed associations are activated and wherein at least two appliances are continuously controlled by the means of control according to the associations performed by the programming means, the activating of the device in a second mode being triggered by inputting a command on the means of selection.” As such, the Appellants respectfully submit that independent claim 8 is also not rendered obvious by the teachings of Evans and Pessina, alone or in any allowable combination, and is allowable for at least the reasons stated above with respect to independent claim 1.

That is, and for at least the same reasons provided in Section A above, at least because Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious at least a method and apparatus for control of at least two electronic appliances including at least “programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances”, “activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming” and “activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection” as taught in the Appellants’ Specification and as claimed by at least the Appellants’ independent claim 1, the Appellants respectfully submit that Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants’ invention

as claimed in independent claim 8, which recites similar relevant features as independent claim 1.

Therefore, the Appellants submit that claim 8, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

G. 35 U.S.C. § 103(a) - Claim 9

Claim 9 depends directly from independent claim 8 and recites further technical features thereof. At least because the teachings of Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious the invention of the Appellants with regard to at least the Appellants' independent claim 8, the Appellants respectfully submit that dependent claim 9 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 8. The Appellants further submit that the teachings of Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' claim 8 further limited by, "wherein the means of programming comprises a means of commanding the associations prohibiting the programming of prohibited associations", as recited in claim 9.

That is, and for at least the same reasons provided in Sections A and F above, at least because Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious at least a method and apparatus for control of at least two electronic appliances including at least "programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances", "activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming" and "activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection" as taught in the Appellants' Specification and as claimed by at least the Appellants' independent claims 1 and 8, the Appellants respectfully submit that Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants'

invention as claimed in dependent claim 9, which depends directly from independent claim 8.

Therefore, the Appellants submit that claim 9, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

H. 35 U.S.C. § 103(a) - Claim 13

Claim 13 depends directly from independent claim 8 and recites further technical features thereof. At least because the teachings of Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious the invention of the Appellants with regard to at least the Appellants' independent claim 8, the Appellants respectfully submit that dependent claim 13 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 8. The Appellants further submit that the teachings of Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' claim 8 further limited by, "wherein the means of programming selects at least one appliance from the plurality of appliances and then specifies keys of the control means that are associated with the selected appliance", as recited in claim 13.

That is, and for at least the same reasons provided in Sections A and F above, at least because Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious at least a method and apparatus for control of at least two electronic appliances including at least "programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances", "activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming" and "activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection" as taught in the Appellants' Specification and as claimed by at least the Appellants' independent claims 1 and 8, the Appellants respectfully submit that Evans and Pessina, alone or

in any allowable combination, also fail to teach or render obvious the Appellants' invention as claimed in dependent claim 13, which depends directly from independent claim 8.

Therefore, the Appellants submit that claim 13, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

I. 35 U.S.C. § 103(a) - Claim 14

Claim 14 depends directly from independent claim 8 and recites further technical features thereof. At least because the teachings of Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious the invention of the Appellants with regard to at least the Appellants' independent claim 8, the Appellants respectfully submit that dependent claim 14 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 8. The Appellants further submit that the teachings of Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' claim 8 further limited by, "wherein the programming means selects a key of the means of control to be programmed and then selects appliances to be associated with the selected key", as recited in claim 14.

That is, and for at least the same reasons provided in Sections A and F above, at least because Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious at least a method and apparatus for control of at least two electronic appliances including at least "programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances", "activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming" and "activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection" as taught in the Appellants' Specification and as claimed by at least the Appellants' independent claims 1 and 8, the Appellants respectfully submit that Evans and Pessina, alone or

in any allowable combination, also fail to teach or render obvious the Appellants' invention as claimed in dependent claim 14, which depends directly from independent claim 8.

Therefore, the Appellants submit that claim 14, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

J. 35 U.S.C. § 103(a) - Claim 16

Claim 16 depends directly from independent claim 8 and recites further technical features thereof. At least because the teachings of Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious the invention of the Appellants with regard to at least the Appellants' independent claim 8, the Appellants respectfully submit that dependent claim 16 is also not rendered obvious and is allowable for at least the reasons stated above with respect to independent claim 8. The Appellants further submit that the teachings of Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' claim 8 further limited by, "wherein the control device comprises a means of selection of at least one set of associations, the programming means being adapted to program the set of associations selected by said means of selection, and in that the means of activation activates only the associations of the selected set", as recited in claim 16.

That is, and for at least the same reasons provided in Sections A and F above, at least because Evans and Pessina, alone or in any allowable combination, fail to teach or render obvious at least a method and apparatus for control of at least two electronic appliances including at least "programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances", "activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming" and "activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection" as taught in the

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Appellants' Specification and as claimed by at least the Appellants' independent claims 1 and 8, the Appellants respectfully submit that Evans and Pessina, alone or in any allowable combination, also fail to teach or render obvious the Appellants' invention as claimed in dependent claim 16, which depends directly from independent claim 8.

Therefore, the Appellants submit that claim 16, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

II. THE EXAMINER ERRED IN REJECTING CLAIMS 3 AND 10 UNDER 35 U.S.C. § 103 AT LEAST BECAUSE THE CITED REFERENCES FAIL TO MAKE OBVIOUS AT LEAST A METHOD AND APPARATUS FOR CONTROL OF AT LEAST TWO ELECTRONIC APPLIANCES INCLUDING AT LEAST “PROGRAMMING AT LEAST TWO ASSOCIATIONS BETWEEN AT LEAST TWO MEANS OF CONTROL AND AT LEAST TWO APPLIANCES OF SAID PLURALITY OF APPLIANCES”, “ACTIVATING THE DEVICE IN A FIRST MODE WHERE THE APPLIANCE SELECTED BY THE MEANS OF SELECTION IS CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO ASSOCIATIONS THAT ARE NOT PROGRAMMED DURING THE STEP OF PROGRAMMING” AND “ACTIVATING THE DEVICE IN A SECOND MODE WHEREIN AT LEAST TWO APPLIANCES ARE CONTINUOUSLY CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO THE ASSOCIATIONS PERFORMED DURING THE PROGRAMMING STEP, SAID ACTIVATING IN THE SECOND MODE BEING TRIGGERED BY INPUTTING A COMMAND ON THE MEANS OF SELECTION”.

A. 35 U.S.C. § 103(a) – Claims 3 and 10

The Examiner rejected claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Pessina further in view of Nakajima (U.S. Patent No. 5,949,151). The rejection is respectfully traversed.

Claims 3 and 10 are dependent claims that depend indirectly from the Appellants’ independent claims 1 and 8, respectively. As described above, the Appellants submit that the teachings of Evans and Pessina, alone or in any allowable combination, absolutely fail to teach or render obvious the Appellants’ independent claims 1 and 8 for at least the reasons recited above. As such, the Appellants submit that Evans and Pessina, alone or in any allowable combination, absolutely fail to teach or render obvious the Appellants’ claims 3 and 10, which depend indirectly from the Appellants’ independent claims 1 and 8 and recite further limitations thereof.

Furthermore, the Appellants submit that the teachings of Nakajima absolutely fail to bridge the substantial gap between the teachings of Evans and Pessina, alone or in any allowable combination, and the invention of the Appellants. That is, the Appellants submit that Nakajima also fails to teach, suggest or render obvious at least a method and apparatus for control of at least two electronic appliances including at least “programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances”, “activating the device in a first mode where the appliance selected by the means of

selection is controlled by the means of control according to associations that are not programmed during the step of programming” and “activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection” as taught in the Appellants’ Specification and as claimed by at least the Appellants’ independent claims 1 and 8.

More specifically, in contrast to the invention of the Appellants, Nakajima teaches an electronic control member for preventing the stealing of a vehicle and an electronic control member for controlling ignition timing of an ignition device. According to the prior art, the electronic circuit portion of the receiver portion for the remote controlling installed on the side of the vehicle is not integrally formed with the electronic control means of the antitheft apparatus for the vehicle. Therefore, there has been such a possibility that a physical load is placed on the wiring and a short circuit or the like is caused and a malfunction occurs. The solution disclosed by Nakajima consists in disposing electronic control means for controlling ignition timing of an ignition device starting the engine of the vehicle and the antitheft electronic control means, on the same substrate and in one package (see column 2 lines 23 to 27).

The Appellant submits that Nakajima does not teach nor suggest that at least two electronic appliances are controlled by a remote and that this remote has a means of selection of an appliance from a plurality of appliances as taught and claimed by the Applicant. In fact in the Final Office Action, the Examiner only cites Nakajima for teaching generating alarms when an unauthorized operation is detected.

As such, the Appellants submit that Nakajima absolutely fails to teach or suggest a method and apparatus for control of at least two electronic appliances including at least “programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances”, “activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming” and “activating the device in a second mode wherein at least two appliances are continuously controlled by the means of

control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection” as taught in the Appellants’ Specification and as claimed by at least the Appellants’ independent claims 1 and 8.

As such and for at least the reasons recited above, the Appellants submit that Evans, Pessina and Nakajima, alone or in any allowable combination, absolutely fail to teach or render obvious at least the Appellants’ claims 1 and 8, and as such absolutely fail to teach or render obvious the Appellants’ claims 3 and 10, which depend indirectly from the Appellants’ independent claims 1 and 8, respectively, and recite additional technical limitations thereof.

Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 23 U.S.P.Q.2d 1780,1783 (Fed. Cir. 1992); In reGordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). The Appellants submit that there is no motivation in either reference for the combination of the references to attempt to teach the invention of the Appellants. Even further, the Appellants submit that even if there was a motivation to combine the references (which the Appellants maintain that no such motivation exists), the teachings of Nakajima fail to bridge the substantial gap between the teachings of Evans and Pessina and the invention of the Appellants.

Therefore, the Appellants submit that for at least the reasons recited above, the Appellants’ claims 3 and 10 are not rendered obvious by the teachings of Evans, Pessina and Nakajima, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

III. THE EXAMINER ERRED IN REJECTING CLAIMS 4 AND 11-12 UNDER 35 U.S.C. § 103 AT LEAST BECAUSE THE CITED REFERENCES FAIL TO MAKE OBVIOUS AT LEAST A METHOD AND APPARATUS FOR CONTROL OF AT LEAST TWO ELECTRONIC APPLIANCES INCLUDING AT LEAST “PROGRAMMING AT LEAST TWO ASSOCIATIONS BETWEEN AT LEAST TWO MEANS OF CONTROL AND AT LEAST TWO APPLIANCES OF SAID PLURALITY OF APPLIANCES”, “ACTIVATING THE DEVICE IN A FIRST MODE WHERE THE APPLIANCE SELECTED BY THE MEANS OF SELECTION IS CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO ASSOCIATIONS THAT ARE NOT PROGRAMMED DURING THE STEP OF PROGRAMMING” AND “ACTIVATING THE DEVICE IN A SECOND MODE WHEREIN AT LEAST TWO APPLIANCES ARE CONTINUOUSLY CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO THE ASSOCIATIONS PERFORMED DURING THE PROGRAMMING STEP, SAID ACTIVATING IN THE SECOND MODE BEING TRIGGERED BY INPUTTING A COMMAND ON THE MEANS OF SELECTION”.

A. 35 U.S.C. § 103(a) – Claims 4 and 11-12

The Examiner rejected claims 4 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Pessina further in view of Stacy et al. (U.S. Patent No. 6,127,961, hereinafter, “Stacy”). The rejection is respectfully traversed.

Claims 4 and 11-12 are dependent claims that depend directly from the Appellants’ independent claims 1 and 8, respectively. As described above, the Appellants submit that the teachings of Evans and Pessina, alone or in any allowable combination, absolutely fail to teach or render obvious the Appellants’ independent claims 1 and 8 for at least the reasons recited above. As such, the Appellants submit that Evans and Pessina, alone or in any allowable combination, absolutely fail to teach or render obvious the Appellants’ claims 4 and 11-12, which depend directly from the Appellants’ independent claims 1 and 8 and recite further limitations thereof.

Furthermore, the Appellants submit that the teachings of Stacy absolutely fail to bridge the substantial gap between the teachings of Evans and Pessina, alone or in any allowable combination, and the invention of the Appellants. That is, the Appellants submit that Stacy also fails to teach, suggest or render obvious at least a method and apparatus for control of at least two electronic appliances including at least “programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances”, “activating the device in a first mode where the appliance selected by the means of selection is controlled by

the means of control according to associations that are not programmed during the step of programming” and “activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection” as taught in the Appellants’ Specification and as claimed by at least the Appellants’ independent claims 1 and 8.

More specifically, in contrast to the invention of the Appellants, Stacy teaches a programmable remote control suitable for sending IR control codes for a plurality of controllable devices. The remote control comprises several control keys 20 corresponding to several devices : TV, VCR, CABLE, AUX1, AUX2. The devices comes from different manufacturers, therefore, the sent IR code depends on the manufacturer. The programmable remote control has a configuration step consisting in associating a control key 20 to a manufacturer. By this way, when the remote is configured to control a specific device, the IR code corresponding to the manufacturer of this device is sent.

The Appellants submit, however, that Stacy does not disclose that the remote control comprises two running modes : a first mode where the appliance selected by the means of selection is controlled by the means of control and a second mode where several appliances are controlled by the means of selection according to the associations performed during the programming step, said activating step being triggered by the means of selection.

Moreover, the programming means according to STACY consists in associating a key corresponding to a specific device with a manufacturer. Therefore STACY does not disclose a means of programming of “associations between a means of control and one appliance amongst a plurality of appliances” as taught and claimed by at least the Appellants’ independent claims 1 and 8.

Therefore and for at least the reasons described above, the Appellant submits that Stacy absolutely fails to teach or suggest a method and apparatus for control of at least two electronic appliances including at least “programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances”, “activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control

according to associations that are not programmed during the step of programming” and “activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection” as taught in the Appellants’ Specification and as claimed by at least the Appellants’ independent claims 1 and 8. In fact in the Final Office Action, the Examiner only cites Stacy for teaching a method of using a programmable remote control having a step of displaying a visual identifier of an appliance.

As such and for at least the reasons recited above, the Appellants submit that Evans, Pessina and Stacy, alone or in any allowable combination, absolutely fail to teach or render obvious at least the Appellants’ claims 1 and 8, and as such absolutely fail to teach or render obvious the Appellants’ claims 4 and 11-12, which depend directly from the Appellants’ independent claims 1 and 8, respectively, and recite additional technical limitations thereof.

Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 23 U.S.P.Q.2d 1780,1783 (Fed. Cir. 1992); In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). The Appellants submit that there is no motivation in either reference for the combination of the references to attempt to teach the invention of the Appellants. Even further, the Appellants submit that even if there was a motivation to combine the references (which the Appellants maintain that no such motivation exists), the teachings of Stacy fail to bridge the substantial gap between the teachings of Evans and Pessina and the invention of the Appellants.

Therefore, the Appellants submit that for at least the reasons recited above, the Appellants’ claims 4 and 11-12 are not rendered obvious by the teachings of Evans, Pessina and Stacy, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

IV. THE EXAMINER ERRED IN REJECTING CLAIM 15 UNDER 35 U.S.C. § 103 AT LEAST BECAUSE THE CITED REFERENCES FAIL TO MAKE OBVIOUS AT LEAST A METHOD AND APPARATUS FOR CONTROL OF AT LEAST TWO ELECTRONIC APPLIANCES INCLUDING AT LEAST “PROGRAMMING AT LEAST TWO ASSOCIATIONS BETWEEN AT LEAST TWO MEANS OF CONTROL AND AT LEAST TWO APPLIANCES OF SAID PLURALITY OF APPLIANCES”, “ACTIVATING THE DEVICE IN A FIRST MODE WHERE THE APPLIANCE SELECTED BY THE MEANS OF SELECTION IS CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO ASSOCIATIONS THAT ARE NOT PROGRAMMED DURING THE STEP OF PROGRAMMING” AND “ACTIVATING THE DEVICE IN A SECOND MODE WHEREIN AT LEAST TWO APPLIANCES ARE CONTINUOUSLY CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO THE ASSOCIATIONS PERFORMED DURING THE PROGRAMMING STEP, SAID ACTIVATING IN THE SECOND MODE BEING TRIGGERED BY INPUTTING A COMMAND ON THE MEANS OF SELECTION”.

A. 35 U.S.C. § 103(a) – Claim 15

The Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Pessina further in view of Allport (U.S. Patent No. 6,104,334). The rejection is respectfully traversed.

Claim 15 is a dependent claim that depends indirectly from the Appellants' independent claim 8. As described above, the Appellants submit that the teachings of Evans and Pessina absolutely fail to teach or render obvious the Appellants' independent claim 8 for at least the reasons recited above. As such, the Appellants submit that Evans and Pessina also absolutely fail to teach or render obvious the Appellants' claim 15, which depends indirectly from the Appellants' independent claim 8 and recites further limitations thereof.

Furthermore, the Appellants submit that Allport absolutely fails to bridge the substantial gap between the teachings of Evans and Pessina and the invention of the Appellants. That is, the Appellants submit that Allport also fails to teach, suggest or render obvious at least a method and apparatus for control of at least two electronic appliances including at least “programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances”, “activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming” and “activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations

performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection” as taught in the Appellants’ Specification and as claimed by at least the Appellants’ independent claim 8.

More specifically, in contrast to the invention of the Appellants, Allport teaches a remote control which uses commands to control various consumer appliances made by various manufactures. The remote control of Allport is programmable, has its own graphical display and is capable of interacting with the internet or other data source to provide a rich set of functionality.

Allport discloses in column 4, lines 28 to 39:

“The present invention relates to a remote control dedicated to the control of various consumer devices made by various manufacturers, and to methods of its use. It has programmable function keys (both physical and on-screen), and a graphical display used to show status and help information on the devices being controlled, identify the function associated with each key, and allow the consumer to browse, select, or otherwise manipulate data related to the control of the consumer devices.”

Later, in column 4, lines 50 to 52 Allport recites:

“The information is generally available from the manufacturer of the device, or from the internet, or from any of several other sources.”

Allport discloses that the user interface software is downloaded from a PC or other source to the remote control and stored in a memory. That is, Allport discloses in column 28, line 51:

“As described herein, the remote control 10 may connect to the internet or other data source directly or by a home PC. The connection may be through wired communications or by wireless.”

In Allport, the remote control can download the IR sequence that then, will command a single device or several devices. Allport does not say if, before the downloading of

the user interface software and IR command, the remote control already controls a device. The most probable response is that the remote control has to be programmed by a PC for controlling specific devices. Therefore, the remote according to Allport does not have two running modes as taught and claimed by the Appellant.

Therefore and for at least the reasons described above, the Appellant submits that Allport absolutely fails to teach or suggest a method and apparatus for control of at least two electronic appliances including at least “programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances”, “activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming” and “activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection” as taught in the Appellants’ Specification and as claimed by at least the Appellants’ independent claims 1 and 8. In fact in the Final Office Action, the Examiner only cites Allport for teaching a remote control including a touch screen display.

As such and for at least the reasons recited above, the Appellants submit that Evans, Pessina and Allport, alone or in any allowable combination, absolutely fail to teach or render obvious at least the Appellants’ claims 1 and 8, and as such absolutely fail to teach or render obvious the Appellants’ claim 15, which depends indirectly from the Appellants’ independent claim 8 and recites additional technical limitations thereof.

Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 23 U.S.P.Q.2d 1780,1783 (Fed. Cir. 1992); In reGordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). The Appellants submit that there is no motivation in either reference for the combination of the references to attempt to teach the invention of the Appellants. Even further, the Appellants submit that even if there was a motivation to combine the references (which the Appellants maintain that no such motivation exists), the

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teachings of Allport fail to bridge the substantial gap between the teachings of Evans and Pessina and the invention of the Appellants.

Therefore, the Appellants submit that for at least the reasons recited above, the Appellants' claim 15 is not rendered obvious by the teachings of Evans, Pessina and Allport, alone or in any allowable combination and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

V. THE EXAMINER ERRED IN REJECTING CLAIMS 17 AND 18 UNDER 35 U.S.C. § 103 AT LEAST BECAUSE THE CITED REFERENCES FAIL TO MAKE OBVIOUS AT LEAST A METHOD AND APPARATUS FOR CONTROL OF AT LEAST TWO ELECTRONIC APPLIANCES INCLUDING AT LEAST “PROGRAMMING AT LEAST TWO ASSOCIATIONS BETWEEN AT LEAST TWO MEANS OF CONTROL AND AT LEAST TWO APPLIANCES OF SAID PLURALITY OF APPLIANCES”, “ACTIVATING THE DEVICE IN A FIRST MODE WHERE THE APPLIANCE SELECTED BY THE MEANS OF SELECTION IS CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO ASSOCIATIONS THAT ARE NOT PROGRAMMED DURING THE STEP OF PROGRAMMING” AND “ACTIVATING THE DEVICE IN A SECOND MODE WHEREIN AT LEAST TWO APPLIANCES ARE CONTINUOUSLY CONTROLLED BY THE MEANS OF CONTROL ACCORDING TO THE ASSOCIATIONS PERFORMED DURING THE PROGRAMMING STEP, SAID ACTIVATING IN THE SECOND MODE BEING TRIGGERED BY INPUTTING A COMMAND ON THE MEANS OF SELECTION”.

A. 35 U.S.C. § 103(a) – Claims 17 and 18

The Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Pessina and further in view of Guyer (U.S. Patent No. 6,130,624). The rejection is respectfully traversed.

Claims 17 and 18 are dependent claims that depend directly and indirectly from the Appellants’ independent claim 8, respectively. As described above, the Appellants submit that the teachings of Evans and Pessina, alone or in any allowable combination, absolutely fail to teach or render obvious the Appellants’ independent claims 1 and 8 for at least the reasons recited above. As such, the Appellants submit that Evans and Pessina, alone or in any allowable combination, absolutely fail to teach or render obvious the Appellants’ claims 17 and 18, which depend directly and indirectly from the Appellants’ independent claim 8 and recite further limitations thereof.

Furthermore, the Appellants submit that the teachings of Guyer absolutely fail to bridge the substantial gap between the teachings of Evans and Pessina, alone or in any allowable combination, and the invention of the Appellants. That is, the Appellants submit that Guyer also fails to teach, suggest or render obvious at least a method and apparatus for control of at least two electronic appliances including at least “programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances”, “activating the device in a first mode where the appliance selected by the means of selection is controlled by

the means of control according to associations that are not programmed during the step of programming” and “activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection” as taught in the Appellants’ Specification and as claimed by at least the Appellants’ independent claim 8.

More specifically, in contrast to the invention of the Appellants, Guyer teaches a remote control device having buttons with a primary function of activating generation of a control signal by the remote and secondary function of activating generation of an audio sample. The remote control device may include several different sets of audio samples, each set being associated with a particular television program, a particular theme or genre, and/or a particular component. By this way, the remote control may generate control signals in silence, or generate control signals in conjunction with audio features, or generate audio features without generation of control signals.

The remote of Guyer contains specific buttons “AUX”, “CABLE”, “VCR”, “TV” for controlling several devices. The user firstly selects the device by pushing the wished buttons and secondly sends a command to the selected device.

The remote of Guyer is able to control several devices from different manufacturers. For example, Guyer discloses at column 3, lines 40 to 54:

“..to ready the universal remote 10 for a particular television (for example, one manufactured by TOSHIBA), the user presses the TV button 26 followed by the code search button 22. The remote 10 then samples and identifies the television as being a TOSHIBA make/model. Afterward, for all times when the TV button 26 is the last of the component selection buttons 20 pressed, the remote 10 is ready to send command signals (for example, channel and volume signals) at the press of a command signal button 24 for control of the TOSHIBA television. If any of the VCR button 28, the cable button 30 or the auxiliary button 32 is the last of the component selection buttons 20 pressed, the remote 10 will associate a different menu of command signals with the command signal buttons 24 and will not control the TOSHIBA television.”

Therefore, the remote according to Guyer's teaching already contains all the possible associations between a manufacturer and a command code. Moreover, Guyer does not disclose that the remote control remains in a permanent mode where "at least two appliances are continuously controlled by the means of control" according to the associations performed during the programming step as taught and claimed by the Appellant. In Guyer, if the user wants to control another device, he has to select this new device by keying the button "AUX", "CABLE", "VCR" or "TV". In contrast, in the Appellants' claimed invention, the second mode allows controlling continuously several appliances

Therefore and for at least the reasons described above, the Appellant submits that Guyer absolutely fails to teach or suggest a method and apparatus for control of at least two electronic appliances including at least "programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances", "activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming" and "activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection" as taught in the Appellants' Specification and as claimed by at least the Appellants' independent claims 1 and 8. In fact in the Final Office Action, the Examiner only cites Guyer for teaching a remote control device having buttons and a mode switch.

As such and for at least the reasons recited above, the Appellants submit that Evans, Pessina and Guyer, alone or in any allowable combination, absolutely fail to teach or render obvious at least the Appellants' claim 8, and as such absolutely fail to teach or render obvious the Appellants' claims 17 and 18, which depend directly and indirectly from the Appellants' independent claim 8, respectively, and recite additional technical limitations thereof.

Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 23 U.S.P.Q.2d 1780,1783 (Fed. Cir. 1992); In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

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The Appellants submit that there is no motivation in either reference for the combination of the references to attempt to teach the invention of the Appellants. Even further, the Appellants submit that even if there was a motivation to combine the references (which the Appellants maintain that no such motivation exists), the teachings of Guyer fail to bridge the substantial gap between the teachings of Evans and Pessina and the invention of the Appellants.

Therefore, the Appellants submit that for at least the reasons recited above, the Appellants' claims 17 and 18 are not rendered obvious by the teachings of Evans, Pessina and Guyer, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

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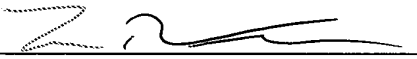
Conclusion

Thus, the Appellants submit that none of the claims presently in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Consequently, the Appellants believe all these claims are presently in condition for allowance.

For at least the reasons advanced above, the Appellants respectfully urge that the rejection of claims 1-18 as being obvious under 35 U.S.C. §103 are improper. Reversal of the rejections in this Appeal is respectfully requested.

Respectfully submitted,
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April 08, 2009

CLAIMS APPENDIX

1. (Previously Presented) A method of control of at least two electronic appliances with the aid of a remote device comprising means of control and a means of selection of an appliance from a plurality of appliances, wherein the method comprises the steps:

- programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances,
- activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming,
- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection, and
- re-activating the device in a first mode by inputting a new command on the means of selection.

2. (Previously Presented) The method of control as claimed in claim 1, wherein the method comprises a step of commanding associations during the programming step prohibiting the programming of prohibited associations.

3. (Previously Presented) The method of control as claimed in claim 2, wherein an attempt to program a prohibited association triggers the transmission of an alert signal.

4. (Previously Presented) The method of control as claimed in claim 1, wherein the method comprises a step of displaying a visual identifier of an appliance, the visual identifier of an appliance being displayed when the device is in the second mode and when a user activates a means of control associated with the appliance.

5. (Previously Presented) The method of control as claimed in claim 1, wherein the programming step comprises selecting an appliance and selecting several means of control, the means of control being associated with the selected appliance.

6. (Previously Presented) The method of control as claimed in claim 1, wherein the programming step comprises selecting a means of control and selecting several appliances the selected appliances being associated with the means of control.

7. (Previously Presented) The method of control as claimed in claim 1, wherein the programming step makes it possible to define at least one set of associations, and wherein the method comprises a step of selecting a set of associations making it possible to activate the set when the device is in the second mode.

8. (Previously Presented) A device for remote control of at least two electronic appliances, comprising means of control and a means of selection of an appliance from a plurality of electronic appliances, each means of control being associated with a code predefined in the device,

wherein said device comprises:

- a means of programming at least two associations between at least two means of control and at least two appliances amongst the plurality of appliances,
- a means of activation of the device in a first mode wherein the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed by the means of programming, the activating of the device in the first mode being triggered by inputting a command on the means of selection,
- a means of activation of the device in a second mode wherein the programmed associations are activated and wherein at least two appliances are continuously controlled by the means of control according to the associations performed by the programming means, the activating of the device in a second mode being triggered by inputting a command on the means of selection.

9. (Previously Presented) The control device as claimed in claim 8, wherein the means of programming comprises a means of commanding the associations prohibiting the programming of prohibited associations.

10. (Previously Presented) The control device as claimed in claim 9, wherein the control device comprises a means of transmitting a visual or audible alert signal during an attempt to program a prohibited association.

11. (Previously Presented) The control device as claimed in claim 8, wherein the control device comprises a means of display of an identifier of the appliance, said means of display of an identifier of the appliance being activated when a means of control associated with the appliance is activated.

12. (Previously Presented) The control device as claimed in claim 8, wherein the control device comprises a means of display of an identifier of the appliance, the means of display being integrated into the means of selection of an appliance.

13. (Previously Presented) The control device as claimed in claim 8, wherein the means of programming selects at least one appliance from the plurality of appliances and then specifies keys of the control means that are associated with the selected appliance.

14. (Previously Presented) The control device as claimed in claim 8, wherein the programming means selects a key of the means of control to be programmed and then selects appliances to be associated with the selected key.

15. (Previously Presented) The control device as claimed in claim 9, wherein the control device comprises a touch screen displaying the permitted associations.

16. (Previously Presented) The control device as claimed in claim 8, wherein the control device comprises a means of selection of at least one set of associations, the programming means being adapted to program the set of associations selected by

said means of selection, and in that the means of activation activates only the associations of the selected set.

17. (Previously Presented) The control device as claimed in claim 8, wherein the means of selection of an appliance comprises a switch including as many positions as appliances to be commanded plus a position activating the programmed associations.

18. (Previously Presented) The control device as claimed in claim 17, wherein the means of selection of a set of associations comprises a switch including as many positions as sets, the means of selecting sets being activated when the means of selection of an appliance is in the position activating the associations.

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EVIDENCE APPENDIX

Appellants assert that there is no evidence to be submitted in accordance with this section.

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RELATED PROCEEDINGS APPENDIX

Appellants assert that there are no copies of decisions to be submitted in accordance with this section.